

SEP 28 2006

Serial No. 09/812,726

REMARKS

Claims 1, 2, 4, and 5 are pending in the present application. Claims 4 and 5 are amended herein into independent form. The amendments do not add new matter and find support throughout the specification and claims. In view of the amendments and following remarks, reconsideration and allowance of the present application is respectfully requested.

Applicants note with appreciation that the Examiner acknowledges that claims 4 and 5 are directed to patentable subject matter. Claims 4 and 5 are amended herein into independent form and it is therefore respectfully submitted that claims 4 and 5 are in condition for allowance.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,761,302 to Park (hereinafter referred to as Park). Applicants respectfully traverse.

Claim 1 relates to a recording medium readable by an information processor, having at least digital sound data and a program for controlling the reproduction of the digital sound data separately recorded therein. In the recording medium of amended claim 1, the digital sound data is encrypted, and *a decrypting method and key information for decrypting the encrypted digital sound data are recorded in the program for controlling the reproduction of the digital sound data.*

The Examiner asserts that Park discloses the decrypting method being recorded with digital data in figure 5 and at column 2, lines 20-26. However, it does not appear that the program for controlling the reproduction of the digital sound data *is recorded* on the recording medium having the digital sound data in the sections of Park cited by the Examiner. The cited sections of Park apparently relate to "[k]ey decrypter 108 receiving the key information from key supply portion 107" and discuss outputting algorithms and decrypting by decrypter 109 (Park; col. 2, lines 20-26). This section apparently relates to transmitting of a signal over a public channel (Park; col. 2, lines 15-19), and does not relate to a recording. Similarly, figure 5 of Park

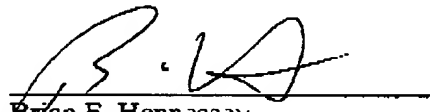
relates to a VCR set that includes a tape, but which does not appear to disclose or suggest a decrypting method and key information for decrypting the encrypted digital sound data *recorded in a program for controlling the reproduction of the digital sound data*. Therefore, none of the cited section discusses or suggests any information being *recorded* in a program, and therefore the cited section does not disclose or suggest a decrypting method and key information for decrypting the encrypted digital sound data being *recorded in the program* for controlling the reproduction of the digital sound data, as recited in claim 1. In the present invention, the program that records the decrypted method and the key for decryption is the same program that controls the reproduction of the digital sound data. It is respectfully submitted that Park does not disclose or suggest such a feature, and therefore for at least this reason claim 1 is allowable.

Claim 2 includes a similar feature to that discussed above in regard to claim 1, and therefore claim 2 is allowable for at least the same reasons as claim 1 is allowable.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
Brian E. Hennessey  
Reg. No. 51,271

CUSTOMER NUMBER 026304  
Telephone: (212) 940-6331  
Fax: (212) 940-8986 or 8987  
Docket No.: 100809-00160 (SCET 18.497)  
BEH:pm